


Exhibit “H”

<div> ECFMG®</div> <div>EDUCATIONAL COMMISSION FOR FOREIGN MEDICAL GRADUATES</div> <div>POLICY AND PROCEDURES MANUAL</div>	SUBJECT: CORRECTIVE ACTION		POLICY NO.: HR-402
	DEPARTMENT: HUMAN RESOURCES		
	DISTRIBUTION: ALL DEPARTMENTS		
	EFFECTIVE DATE: 9/1/2002	Page 1 of 5	

I. POLICY

It is the policy of ECFMG to provide a progressive system of corrective action for employees who experience certain work-related problems. Such problems are generally characterized as performance, inappropriate conduct or attendance/punctuality issues. This policy also provides for acceleration of the corrective action process depending on the nature, frequency and severity of the violations, the length of the employee's tenure with the organization and on an employee's history of work-related problems.

The intent of this policy is to provide a mechanism to correct a work-related problem by identifying the problem(s), communicating and reviewing the problem(s) with the employee, identifying clear and specific expectations and action required for improvement and advising the employee of the consequences of continued problems.

ECFMG remains an "at will" employer and operates under the provision that the employer has the right to terminate the employment relationship at any time, with or without notice, and with or without cause.

II. DEFINITIONS

Corrective Action is defined as official action taken by a supervisor/manager to address and correct work-related problems.

Verbal Counseling is an informal, non-disciplinary documentation of a meeting between a supervisor/manager and an employee discussing specific work-related problems before the commencement of formal disciplinary action. The employee should not be required to sign any documentation. No formal documentation should be placed in the employee's personnel file in Human Resources. A record of the communication may be kept in the departmental files.

Written Warning is a formal corrective action process. A written warning is typically issued for repeated and/or ongoing work-related problems with performance and/or inappropriate conduct. Typically, an employee has been counseled, but has failed to correct a problem for which they were being counseled. A written warning may also occur immediately without prior corrective action depending on the nature, frequency or severity of a violation. Written warnings must be reviewed with Human Resources before the communication with the employee occurs.

Final Written Warning is an additional step in the formal corrective action process that is not required in every situation. A final written warning is typically issued for repeated and/or ongoing work-related problem(s) for which an employee has received a written warning and has failed to correct the problem or situation over a period of time. There is no pre-determined time frame between a written warning and a final written warning; it depends on the individual circumstances. A final written warning may also occur immediately without prior corrective action depending on the nature, frequency or severity of a violation. Final written warnings must be reviewed with Human Resources before the communication with the employee occurs.

Administrative Leave is used when the supervisor/manager perceives that the employee may cause a potential threat to themselves or others or when the employee is behaving in a disruptive and/or unruly manner that management is not able to handle. The employee should be sent home for the day with pay, pending investigation of the situation by the supervisor/manager and HR. HR must be informed when an employee has been put on Administrative Leave to assist with the investigation.

Termination of Employment is a consequence for not meeting the expectation of in the formal corrective action process. Termination occurs when the employee has failed to correct a problem(s) or situation(s) despite receipt of a written warning and/or final written warning. In addition to the foregoing, termination may occur immediately without prior corrective action, depending on the nature, frequency or severity of a violation. Termination decisions must be reviewed with Human Resources before they take effect.

Corrective Action Form is defined as a form provided by Human Resources to document the corrective action taken. It consists of areas for the description of what level of corrective action is being taken, reason for the action, specific expectations, action plan for improvement, consequences for not meeting the expectations and signature lines for the employee, supervisor/manager and Human Resources. Supporting documentation should be attached to the Form.

Letter of Improvement is a written acknowledgement of improvement to the individual that they have corrected a particular problem or situation. When a situation has been improved at any step in the corrective action process, the supervisor/manager may send a letter of improvement to the individual with a copy to Human Resources. The letter should express anticipation of continued satisfactory performance and/or behavior.

III. ELIGIBILITY

This policy applies to all employees.

IV. PROCEDURES

- A.** The purpose of the corrective action process is to advise the employee of the severity of a work-related problem and to provide an opportunity for the employee to correct the problem.
- B.** Supervisory personnel, along with Human Resources, are responsible for informing employees of all rules that pertain to their employment and the organization and to explain the employee's job duties.
- C.** When a supervisor/manager identifies an employee who is experiencing a work-related problem, they are responsible for communicating the problem to the employee and working with the employee to correct the problem on an informal level. This can be done through one-on-one counseling, development of a performance improvement action plan or other appropriate methods.
- D.** The supervisor/manager should document counseling sessions. This documentation (verbal counseling) should include a brief description of the problem, recommendations to correct the problem and the consequences for failure to correct the problem. The documentation should be signed and dated by the supervisor/manager only and held in departmental files for future use if continued problems occur.
- E.** Human Resources will be available to assist the supervisor/manager in defining the problem(s) and determining the appropriate course of action. Human Resources will

review the documentation to ensure completeness and compliance with applicable ECFMG policies and procedures, as well as local, state and federal laws and regulations as they apply.

- F.** If the same or other problem(s) persist or worsen, the supervisor/manager should consult with Human Resources to identify appropriate action. Human Resources will review the written warning documentation and advise the supervisor/manager on the course of action to be taken prior to any communication with the employee. The supervisor/manager in partnership with Human Resources will determine the appropriate course of action based on existing documentation and/or the severity/frequency of the problem(s).
- G.** Supervisory personnel are responsible for following up any corrective or disciplinary action to make sure it has accomplished the desired change in the performance/conduct of the employee.
- H.** When corrective action efforts have not been successful in correcting a work-related problem and/or additional work-related problems develop, then termination of employment may result. The supervisor/manager in consultation with Human Resources will make the determination regarding all terminations.
- I.** For newly hired employees within the first 90 days of employment, the corrective action process may be accelerated after review and consultation with Human Resources.
- J.** If the problem is a result of an inappropriate conduct, rather than being performance-related, corrective action should not be issued until there has been a thorough investigation into the nature of the problem by Human Resources and the supervisor/manager.
- K.** If, as a result of the above investigation, it is determined that inappropriate conduct or policy violation(s) have occurred, the supervisor/manager should follow the corrective action process with Human Resources.
- L.** In certain instances, a work-related problem, depending on the nature, frequency or severity, may warrant acceleration of the process, up to and including termination of employment. These situations should be reviewed with Human Resources prior to the issuance of a decision. For example, an employee who displays disorderly conduct during working hours or on ECFMG property may be given a final written warning or termination as the first step in the corrective action process, depending on the severity.
- M.** If the termination decision is the first step, prior documentation is not required. Human Resources and Senior Staff approval is required before a termination may take effect without prior corrective action.
- N.** Behaviors or situations that may warrant corrective action and/or acceleration of the corrective action process up to immediate termination include, but are not limited to:

 - 1. violation of ECFMG[®] policy;
 - 2. negligence or failing to attend to applicant needs;
 - 3. inappropriate behavior toward an applicant, employee or visitor;
 - 4. harassment or violation of the EEO policy;
 - 5. insubordination (failure to follow a reasonable, job related instruction from a supervisory person);

6. inappropriate or unauthorized release of confidential information or the threat to do such;
7. falsification of employment or benefit documents;
8. falsification of timekeeping, recording non-working time as work time;
9. theft of or damage to organizational, applicant, employee or visitor property;
10. theft or misappropriation of organizational, employee, visitor or candidate funds or information
11. possession, use, consumption or sale of illegal drugs or alcohol on ECFMG property or while representing ECFMG;
12. reporting to work under the influence of drugs or alcohol;
13. possession of weapons or explosives on ECFMG property;
14. falsifying organizational records or documents;
15. violations of policies related to principles of quality service;
16. excessive absenteeism and/or lateness;
17. patterns of absenteeism and/or lateness;
18. unlawful or improper conduct while on work time, including leaving the work area without permission;
19. failure to perform work-related responsibilities satisfactorily;
20. unlawful or improper conduct while off duty which could have a harmful effect on the operation or reputation of ECFMG;
21. failure to follow departmental guidelines;
22. sleeping while on work time;
23. conviction of a crime which may call into question the employee's appropriateness or ability to properly carry out the responsibilities of their position;
24. the use of computers, printers, telephones or other office equipment for personal gain or inappropriate activities;
25. smoking in unauthorized locations, including anywhere inside any ECFMG® office or testing facilities ;
26. violent behavior or threats of violent behavior toward another individual;
27. use of computers for games or entertainment during work hours.

- O.** In situations where the behavior or conduct is such that the safety or welfare of the employee, fellow employees, visitors or others may be at risk, the employee may be placed on administrative leave with pay pending an investigation. The investigation into the incident should be completed as soon as reasonably possible but should not exceed five (5) days. At the conclusion of the investigation, if the employee is found to be at fault, the supervisor/manager, in consultation with Human Resources, will determine the appropriate action to be taken, up to and including termination.
- P.** An employee may respond, in writing, to the corrective action issued. The written response will be placed in the employee's personnel file.
- Q.** An employee's signature on corrective action documents certifies that they have been informed of the violation(s) and the consequences of continued violation. However, an employee's signature does not indicate agreement with the action.
- R.** If an employee refuses to sign the corrective action document this does not invalidate the corrective action. In such cases, a witness should be used to verify that the information was communicated to the employee. Witnesses should be in a supervisor/managerial capacity, preferably HR.

- S. A letter of Improvement may be given to an employee who has corrected a particular problem or situation at any step in the corrective action process by the supervisor/manager with a copy to Human Resources. The letter should express anticipation of continued satisfactory performance and/or behavior.

Responsibility for maintenance of the policy: **Policy Coordinator**

Approved by Senior Staff on 9/01/2002

Date

Approved by _____ **Date** _____
James A Hallock M.D., President